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EXAMINER
FOTAKIS, ARISTOCRATIS

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11/26/2007</u>.

2a) ☐ This action is FINAL.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>12 - 24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>12 - 24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>12/03/2004</u> is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some *   c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2007 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 12, 18 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Drawings

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Claim 12 is a method claim where the figures only show the apparatus. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing

sheet submitted after the filing date of an application must be labeled in the top margin

as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Specification

The specification is objected to as failing to provide proper antecedent basis for

the claimed subject matter.   See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The

specification fails to provide proper antecedent basis for the claimed subject matter of

claim 24. More specifically the specification does not disclose of a computer program

having a computer readable medium performing the recited claim limitations.

Appropriate correction is required.

The disclosure is objected to because of the following informalities: In paragraph

0031 of the PG-Pub, Line 4, "link LK 2" should be replaced by "link LK 1". Appropriate

correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Mostafa (WO 2002/043414).

Re claim 12, Mostafa discloses of a method for transmitting data in a communication system (Page 1, Lines 5 - 7) wherein the MMS data comprises individually linked and different data elements (*audio or video or a combination of different streams*) that are coded to standards (Page 4, Lines 6 – 13), the method comprising: performing at least one of a data type and a data format conversion on at least one of the data elements (*audio or video*) in accordance with a profile of a receiver of the data (Page 7, Lines 18 - 28); and updating a link, after the conversion to maintain a validity of the link in the data between the different data elements (Page 8, Lines 26 – 31 to Page 9, Lines 1 - 2, "*Preferably, the network entity is adapted to translate the media components between at least two different formats. Even more preferably, it is adapted, or it is arranged in such a way that it can be adapted to translate the media components between all necessary formats in order to allow reception and playing back of the media content by said at least one addressed recipient*" and Page 20, Lines 5 – 25)

Re claim 13, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 12, wherein the conversion is performed at a provider of the receiver (Page 7, Line 30 - Page 8, Line 5, "*Advantageously, the media content is translated if necessary into an appropriate format, so that typically no*

regeneration or conversion of the media content is required at the sending entity. Thus,

retransmission of the content from the sending entity can also be avoided").

Re claim 14, Mostafa discloses of a method for transmitting data in a

communication system as claimed in claim 12, further comprising verifying the link in

the data between different data elements (Page 13, Lines 1-8, "*accessing a database*

comprising recipient data describing multimedia reception capabilities and/or reception

preferences for the at least one addressed recipient; notification means for forming, in

accordance with said recipient data, a notification message containing information that

said media content is available to be streamed to said at least one addressed recipient;

and outputting means for outputting the notification message for transmission to said at

least one addressed recipient").

Re claim 15, Mostafa discloses of a method for transmitting data in a

communication system as claimed in claim 12, further comprising preparing the data for

transmission as a plurality of data packets containing a header to transport organization

information and a body to transmit appropriate payload information as the data

elements (Page 18, Line 22 - Page 19, Line 3, "*Since the media content contained in a*

particular multimedia message is stored in MMS server B and the storing operation is

performed via MMS relay B, MMS relay B has access to information describing the

media content which, for example, was encapsulated with the multimedia message sent

from MMS user agent A. MMS relay B is also aware of the properties and behavior of

MMSE B as, according to currently agreed recommendations covering the implementation of the multimedia messaging service in 3rd generation networks, MMS relay B is considered to be the control point for MMSE B. This also means that MMS relay B has access to information describing the configuration and capabilities of MMS user Agent B, which, as described in connection with Figure 1, is stored in a database linked to the relay. MMS relay B is further aware of its own capabilities to convert between different media types and/or formats").

Re claim 16, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 12, wherein the data is transmitted as a multimedia message in a Multimedia Messaging Service (Page 16, Lines 29 - 30, "*when initiating the communication of a multimedia message to MMS (multimedia messaging service) User agent B, MMS user agent A first selects the media content to be transmitted*").

Re claim 17, Mostafa discloses of a method for transmitting data in a communication system as claimed in claim 16, wherein the data is transmitted on a WAP-enabled mobile phone (Page 2, Lines 12 - 22, "*The MMS relay is also shown to be linked with two mobile telecommunication networks. The different telecommunication networks may, for example, have different operators, different geographical locations or coverage areas and/or differ in terms of their technical characteristics. For example,*

they may belong to different technical generations such as GSM and UMTS (WAP-

capable mobile phone)").

Re claims 18-23, which claim the same subject matter as recited in claims 12-

17. Therefore, claims 18-23 has been analyzed and rejected with respect to claims 12-

17.

Re claim 24, Mostafa discloses of a computer program product having a

computer-readable storage medium on which a program is stored which, upon loading

on in a memory of a computer, enables the computer, as part of a data transmission in

a communication system, to receive multimedia messaging service (MMS) data (Page

1, Lines 5 - 7) from a subscriber of the communication system (Page 13, Lines 25 –

Page 15, Line 9), wherein the MMS data comprises individually linked and different data

elements that are coded to different standards, to perform at least one of a data type

and a data format conversion on at least one of the data elements in accordance with a

profile of a further subscriber of the communication system to receive the data, and to

update a link between the different data elements, including the at least one converted

data element within the MMS data, after the conversion, to maintain a validity of the link

in the data between different data elements prior to the data being sent to the further

subscriber (Page 13, Line 25 - Page15, Line 9, *"According to a fourth aspect of the*

invention, a computer program is provided for controlling a network entity, comprising:

computer code for causing the network entity to receive media content from a sending

entity and addressed to at least one recipient; computer code for causing the network

entity to access a database comprising recipient data describing multimedia reception

capabilities and/or reception preferences for the at least one addressed recipient;

computer code for causing the network entity to form, in accordance with said recipient

data, a notification message containing information that said media content is available

to be streamed to said at least one addressed recipient; and computer code for causing

the network entity to output the notification message for transmission to said at least

one addressed recipient").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARISTOCRATIS FOTAKIS whose telephone number is (571)270-1206. The examiner can normally be reached on Monday - Thursday 6:30 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aristocratis Fotakis/

Examiner, Art Unit 2611

/Chieh M. Fan/
Supervisory Patent Examiner, Art Unit 2611